

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ,
HANNAH PEARCE, MARCUS MARTIN,
NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOC”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**SUPPLEMENT TO PLAINTIFFS’ MOTION TO ENJOIN DEFENDANT CANTWELL
FROM MAKING UNLAWFUL THREATS AGAINST PLAINTIFFS AND PLAINTIFFS’
COUNSEL**

We write to notify the Court of the most recent example of how hateful, incendiary rhetoric by participants from the defendant side of this case can quickly escalate into disturbingly violent calls to action by their loyal, like-minded followers. The latest expression of hostility, combined with recent alarming conduct by Defendant Cantwell, contributes to an even greater urgency Plaintiffs feel in obtaining an order from the court prohibiting Defendant Cantwell from making unlawful threats against Plaintiffs and their counsel, as requested in our pending Motion to Enjoin Defendant Cantwell from Making Unlawful Threats Against Plaintiffs and Plaintiffs' Counsel ("Motion"). (ECF No. 511).

In response to a recent article published in "Russia Insider" by former defendant Mike Peinovich, itself filled with anti-Semitic invective directed toward Plaintiffs' counsel Roberta Kaplan (*see* Ex. 1 (Mike Peinovich, "Frumpy Jewish Lawyer Leading Campaign to Strip US Citizens of Free Speech and Assembly," *Russia Insider* (Oct. 16, 2019), *available at* <https://russia-insider.com/en/politics/frumpy-jewish-lawyer-leading-campaign-strip-us-citizens-free-speech-and-assembly/ri27784>)), an apparently faithful fan posted the following: "May God damn her. Oh, wait. She's a Jew. Never mind. But may God bring her plans to naught. May she have a 'Heather Heyer' event...." (*See* Ex. 2 (comment on Oct. 16, 2019 *Russia Insider* article by user Fr. John+).) The reference needs little explanation: it is an explicit wish that lead counsel for the Plaintiffs in this case die in a terrorist attack, reminiscent of the one that brings us to Court in the first place.

Plaintiffs filed our Motion on July 2 because we believed at the time that the barrage of threats by Defendants and the supporters whom they incite placed us and our clients in genuine danger. The persistent provocations appeared to constitute a concerted effort to attempt to chill our interest and ability to prosecute this case and ensure our clients' right to a fair trial. We filed

that motion because litigants should not have to worry for their lives while seeking to vindicate the lives of others.

In the three months since that motion was filed, the rhetoric and volatile behavior has only escalated, including, for example, Mr. Cantwell's public announcement on social media last week that he brought a gun to a movie theater, which attracted the attention of local law enforcement. (*See* Ex. 3 (Cantwell Telegram posts (Oct. 10, 2019)).) As we stated in our initial motion, the Court need not, and indeed should not, wait for these inflammatory remarks to bubble over into another tragedy. (*See* ECF No. 511). Like the allegations in this lawsuit, the remedy we are seeking is expressly designed to avoid any infringement on the First Amendment. We seek an order from the Court that simply proscribes what is already illegal: unlawful threats. In light of the recent events described above, we urge the Court to take swift action on our pending motion.

Dated: October 18, 2019

Respectfully submitted,

/s/Robert T. Cahill

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on October 18, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

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